

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN CLEVE BRIEN,

Defendant.

CR 22–85–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on March 28, 2024. (Doc. 38.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant Jonathan Cleve Brien’s guilty plea after Brien appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure and entered a guilty plea to two counts of

wire fraud, in violation of 18 U.S.C. § 1343 (Counts 2 and 3), as set forth in the Indictment. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 38) is ADOPTED in full.

IT IS FURTHER ORDERED that Brien's motion to change plea (Doc. 29) is GRANTED and Brien is adjudged guilty as charged in Counts 2 and 3 of the Indictment.

DATED this 12th day of April, 2024.



Dana L. Christensen, District Judge
United States District Court